IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SEVENTEENTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO: 20990 of 2004

Between:

K.Lakshmamma, W/o.Late Venkatrayappa,
R/o.Thugadamvaripalle Village, Somala Mandal, Chittoor District.

... PETITIONER

AND

1 The Commissioner (Appeals) The Chief Commissioner of Land

Administration, A.P.Hyderabad.
2 The Joint Collector, Chittoor, Chittoor District.
3 The Mandal Revenue officer, Somala Mandal, Chittoor District.
4 Challa Mallaiah, S/o.Channa Reddeppa,
R/o.Thugadamvaripalle Village, Somala Mandal, Chittoor District.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ, order or direction more particularly one in the nature of "writ of Mandamus" declaring the proceedings of the 1st respondent in CCLA's Ref.No.BCW2/301/ 2004, dated 19-10-2004 as illegal, unjust, arbitrary, malafide, void violative of principles of natural justice and contrary to law and accordingly set aside the same.

Counsel for the Petitioner: MR.S.V.MUNI REDDY

Counsel for the Respondents: GP FOR REVENUE

The Court, at the admission stage, made the following:

ORDER:

This writ petition is filed questioning the order passed by the Commissioner (Appeals) staying the proceedings issued by the Joint Collector, which is subject matter of appeal. By the order dated 12-04-2004, the Joint Collector dropped the action proposed in the show cause notice dated 11-06-1999 and directed the Mandal Revenue Officer to evict the encroachment of the land if Srinivasulu enjoys the land and to protect assignment in favour of the L.R s of the assignee. Staying the said order only disables the M.R.O. from evicting the encroachment, which will not have the effect of setting aside the assignment in favour of the petitioner's husband.

2. In view of the same, petitioner can approach the Commissioner and apprise him for vacation of the said order and can urge all the grounds which are raised in the present writ petition.

The writ petition is accordingly dismissed. No order as to costs.

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A. **GOPAL REDDY, J**

November 17, 2004

MRR

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To:

1 The Commissioner (Appeals) The Chief Commissioner of Land

Administration, A.P.Hyderabad.
2 The Joint Collector, Chittoor, Chittoor District.
3 The Mandal Revenue officer, Somala Mandal, Chittoor District.
4 Two C.C. s to the G.P. for Revenue, High Court Buildings, Hyderabad (OUT)

5 Two C.D. Copies.